CHIEF SECRETARIAT

Issues the Mysore State Freedom Fighters Welfare Rules, 1969

READ—

G. O. No. GAD 5 PPN 67, dated 17th October 1967, as amended by Government Orders No. GAD 15 PFS 68, dated 30th May 1968 and GAD 324 PFS 68, dated 23rd October 1968.

PREAMBLE—

The question of simplifying the procedural formalities, so as to facilitate expeditious disposal of the applications for grant of pension to Freedom Fighters has been considered, and Government have decided to replace the existing rules by revised rules.

ORDER No. GAD 294 PFS 68, BANGALORE, DATED THE 21ST FEBRUARY 1969.

Government are pleased to direct that the rules appended to the Government Order cited should be replaced by the Mysore State Freedom Fighters Welfare Rules, 1969, annexed to this Government Order.

This order issues with the concurrence of the Finance Department *vide* their U. O. No. 1675, dated 6th February 1969.

By Order and in the name of the Governor of Mysore,

B. R. DEEN DAYAL,

Deputy Secretary to Government,
General Administration Department.
(Political.)

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ANNEXURE—I

THE MYSORE STATE FREEDOM FIGHTERS WELFARE RULES, 1969.

1. *Title and Commencement*:—

(i) These rules may be called the Mysore State Freedom Fighters Welfare Rules, 1969.

(ii) They shall come into force at once.

2. *Definition.*—In these rules "Freedom Fighters" means any person who on account of participation in the National Movement ;

(*a*) had been sentenced to imprisonment for not less than six months ; or

(*b*) had been kept under detention (including detention as under-trial prisoner) for not less than six months ; or

(*c*) was killed in action ; or

(*d*) was sentenced to death ; or

(*e*) died due to police or military firing or lathi charge ; or

(*f*) lost his/her job or means of livelihood or the whole or substantial part of his/her property ; and

(*g*) who is domiciled in the State of Mysore for a period of not less than five years immediately preceding the date on which such person applies for grant of pension under these rules.

Explanation :—

(i) Persons who had participated in the activities of Indian National Army (I.N.A.) shall be deemed to be Freedom Fighters for purposes of these rules.

(ii) National Movement includes the movement launched in the erstwhile State of Hyderabad in the year 1948 and other erstwhile princely States, the territories whereof have now been included in the State of Mysore.

3. *Grant of Pension, etc.*—

(i) Subject to the other provisions of these rules, every Freedom Fighter who has completed 55 years of age and the wife, husband, or minor child of a deceased Freedom Fighter shall be eligible for grant of pension under these rules:

Provided that in the case of a freedom fighter, who is physically incapacitated to earn his livelihood, pension may be granted notwithstanding that he has not attained the age of 55 years.

(ii) The grant of pension under these rules shall be in the discretion of the State Government and cannot be claimed as a matter of right.

(iii) No pension shall be granted under these rules, if the annual income of the Freedom Fighter or the wife, husband or minor child of a deceased Freedom Fighter from all sources including income from lands granted and other benefits, if any, conferred by the State Government, exceeds Rs. 2,400 per annum.

4. *Application for Pension.*—

(i) Application for grant of pension under these rules shall be made in the appended Form and sent to the Tahsildar of the Taluk in which the applicant ordinarily resides.

ii) On receipt of the application, the Tahsildar will verify the facts mentioned in the application and examine the genuineness and eligibility of the applicant for pension and forward, within one month from the date of receipt of the application, the records to the Deputy Commissioner for onward transmission to Government with his recommendations.

(iii) Every application shall be accompanied by an affidavit sworn to by the applicant before a Magistrate or any other person authorised by law to administer oath that he/she is a Freedom Fighter or that the husband, wife, parent of the applicant was a Freedom Fighter. A certificate that the Freedom Fighter concerned had suffered imprisonment or detention for not less than six months issued by the authorities of the Jail, where the imprisonment or detention was undergone, or by a contemporary Freedom Fighter or any other responsible person shall also be enclosed to the application. Every application shall also be accompanied by an affidavit sworn to by the applicant before a Magistrate or any other person duly authorised by law to administer oath, to the effect that his annual income from all sources does not exceed Rs 2,400.

(iv) The State Government may, after verifying the particulars furnished and after such enquiries as it considers necessary, by order, sanction the pension or reject the application.

(v) The order passed under sub-rule (iv) shall be communicated to the applicant.

(vi) The State Government may, for good and sufficient reasons, review at any time an order rejecting an application and sanction the pension.

5. *Amount of Pension.*—

(i) The amount of pension that may be sanctioned under these rules shall not exceed Rs. 50-00 per month.

(ii) The amount of pension in each case shall be determined having regard to the total income of the applicant from all sources, including the income from lands granted and other benefits conferred by the State Government.

(iii) Where there are more than one claimant for the pension, the amount of pension shall subject to Rule 6 be distributed among them in equal shares.

6. *Duration of Pension.*—

(i) Subject to the provisions contained in Rule 7, the pension granted under these rules shall be payable;

(ii) In the case of Freedom Fighter, till his/her death;

(iii) In the case of the wife of a deceased Freedom Fighter, till her death or till she remarries;

(iv) In the case of husband of a Freedom Fighter, till his death;

(v) In the case of minor son of a Freedom Fighter, till such son attains the age of 21 years;

(vi) In the case of minor daughter of a Freedom Fighter till she attains the age of 21 years or till she marries, whichever is earlier.

7. *Discontinuance of Pension.*—

Pension granted under these rules may be discontinued:—

(i) If the order granting it was based on mistake, misrepresentation or fraud;

(ii) If the annual income of the pensioner, excluding the amount of pension has increased so as to exceed the sum of Rs. 2,400-00 per annum;

(iii) If the pensioner leaves the State of Mysore for more than one year; and

(iv) For any other reasons considered good and sufficient by the State Government:

Provided that in a case covered by clause (iii), payment of pension may be revived in the discretion of the State Government, if the pensioner returns to the State of Mysore and the reasons for his/her absence for more than one year are satisfactorily explained: in such a case, the amount of pension payable for the period of absence may also be ordered to be paid.

8. *Date of Commencement of Pension.*—The pension sanctioned under these Rules shall be payable from the date of the application or from the date of attaining 55 years of the applicant, whichever is later.

9. *Commutation not permitted.*—Commutation of the pension payable under these rules for a lumpsum payment shall not be permitted.

10. *Change of Residence to be reported.*—Every pensioner under these rules shall intimate his or her change of residence to the Chief Controlling Officer, the Deputy Commissioner, the Treasury Officer or the Sub-Treasury Officer disbursing the pension.

11. Payment of Pension.—(i) The payment of pension shall be substituted by the provisions contained in Chapter VIII of the Mysore Treasury Code, Volume I.

(ii) The payment of pension shall be made by the District Treasury Officer/ Treasury Officer, Taluk Treasury Officer, as the case may be, on receipt of the pension payment order from the Accountant General, Mysore, Bangalore.

(iii) At the time of presenting the pension bill for every month, the pensioner should as prescribed in Article 189 of the Mysore Treasury Code, Volume I, furnish a declaration in Form M. T. C. 48, duly signed by any of the authorities referred to in article 180 *ibid.*

(iv) The pension bill for December of each year shall be accompanied by a declaration in Form M. T. C. 49, in case of a female pensioner, as prescribed in Article 190 of the Mysore Treasury Code, Volume I.

12. Payment of Arrears of Pension to Legal Heirs —Where the person to whom the pension under these rules is granted is dead, any arrears of pension payable to him till the date of his or her death shall be paid to the legal heirs of such person.

13. Chief Secretary may issue Instructions.—Subject to special orders of the Government, the Chief Secretary may issue such instructions as he considers necessary for purposes of giving effect to these rules.

14. Repeal and Savings.—(i) The Mysore State Freedom Fighters Welfare Rules, 1967, are hereby repealed.

(ii) Every pension sanctioned under the aforesaid repealed rules shall be continued to be paid as if they were granted under these rules.

(iii) Every application made under the aforesaid repealed rules pending on the date of the commencement of these rules, shall be disposed of in accordance with these rules.

ANNEXURE II.

Application Form for Grant of Pension to Freedom Fighters.

District:
Taluk :
Village:
Town:

1. Name of the applicant

2. Male or Female

3. Name of the Father or Husband.

4. Full address.

5. Period of Domicile in the State of Mysore—From—to—

6. Age and date of birth (Proof for the stated age—original or attested copies of Birth/School Leaving Certificate/ Horoscope to be enclosed).

7. Had you participated in the Freedom Movement? If not, what is your relationship with the person who participated in the Freedom Movement ?
(Affidavit to be enclosed).

8. Details of the part played by you or by the person who participated in the Freedom Movement :

   (a) Nature of the part played ;

   (b) Loss incurred, if any :

   (c) Conviction and sentence awarded :

   (d) Actual period/periods spent in Jail (certificate issued by Jail authorities or a contemporary freedom fighter or any other responsible person to be enclosed).

9. Your financial conditions :

   (a) Your present occupation

   (b) Your income from (a) above

   (c) Your income from landed property, if any

   (d) Your income from other sources, if any

   (e) Are there any other earning members in the family ? If so, what is their occupation and income ?

   (f) If your annual income from all sources does not exceed Rs. 2,400 an affidavit sworn to by you before a Magistrate or any other person duly authorised by law to administer oath, to the effect that your annual income from all sources does not exceed Rs. 2,400 should be enclosed.

10. Nature of concessions/assistance received previously, if any – (please give full details)

(a) Financial Assistance ;

(b) Land for cultivation : Extent, survey number and village.

(c) Educational concessions :

(d) Other concessions, if any :

11. Number of dependents and their particulars :—

	Name	Age	Sex	Relation with applicant
1.				
2.				
3.				
4.				
5.				
6.				
7.				

12. (i) Applicant's identification marks :

(ii) Two sets of specimen signature/thumb impressions of the applicant duly attested by a Gazetted Officer to be enclosed.

(iii) Two passport size photographs of the applicant attested by a Gazetted Officer to be enclosed.

(iv) The treasury at which the applicant desires payment of pension.

13. Remarks, if any :—

DECLARATION:

I hereby declare that the information given above is true to the best of my knowledge and belief. I hereby further declare that if the information furnished by me above is subsequently found to be false or incorrect, I shall on demand in writing forthwith repay the Government of Mysore the amount of pension paid to me till then and in the event of my failing to do so, it may be recovered from me as arrears of land revenue.

Signature of the applicant

Dated :

Signed before me.

Signature and Designation of
Gazetted Officer.

ANNEXURE–III

Report of the Tahsildar.

I have made necessary enquiries as required in the rules and submit the following report:—

1. Date of birth of the Freedom Fighter and the present age (as verified with the birth extract/School Leaving Certificate/Horoscope).

2. The sentence inflicted was in connection with the Freedom Movement, and the period of the imprisonment/detention undergone. The *bona fides* of the Freedom Fighters.

3. The applicant or any member of his family has been given Government land in the past in view of his being a political sufferer. The value of the land and of the annual yield therefrom. And if the land granted has been sold away, the sale amount.

4. Financial or other assistance has been given by Government either to the applicant or any members of his family.

5. Annual income of the applicant from all sources.

6. There are other earning members in the family and their income is indicated.

7. Present occupation of the applicant.

8. Other particulars furnished by the applicant are correct.

9. I enclose the application duly filled in and the following statements and records.

10. I recommend the grant of *pension to the applicant*. I do not recommend the grant of pension to the applicant for the reasons stated below:—

Signature of the Tahsildar.

Place :

Date :

SEAL